

AGENDA

FOR THE REGULAR MEETING OF THE CITY COUNCIL

FOR THE CITY OF THORNE BAY, ALASKA

COUNCIL CHAMBERS OF CITY HALL

120 FREEMAN DRIVE

Tuesday August 6, 2019

6:30 p.m.

NOTICE OF A SPECIAL WORKSHOP TIME OF 5:30 P.M.

The meeting will be preceded by a workshop beginning at a special time of 5:30 p.m.
Workshop Topic will be Proposed Sales Tax Increase Ballot Measure for the
October 1, 2019-Municipal Election

1. CALL TO ORDER:
2. PLEDGE TO FLAG:
3. ROLL CALL:
4. APPROVAL OF AGENDA:
5. MAYOR'S REPORT:
6. ADMINISTRATIVE REPORTS:
 - a. City Administrator's Report:
 - b. City Clerk Report:
7. COUNCIL COMMENTS:
8. CONSENT AGENDA:
 - a. MINUTES:
 1. Approval of Minutes from the July 2, 2019, Regular City Council Meeting, discussion and action item:
 2. Approval of Minutes from the July 16, 2019, Regular City Council Meeting, discussion and action item:
9. NEW BUSINESS:
 - a) Resolution 19-08-06-01, a resolution of project sponsorship for the Community Transportation Program Application and maintenance commitment for repairs, maintenance and reconstruction of the Kasaan/South Thorne Bay Road, discussion and action item:
 - b) Resolution 19-08-06-02, adopting the Code Enforcement Officer Job Description & Policies and Procedures, discussion and action item:

10. ORDINANCE FOR PUBLIC HEARING:

- a) **Ordinance 19-08-06-01**, an ordinance that would place the question of increasing sales tax by one-half (1/2) of a percent to be used for Emergency Services (EMS/FIRE) Responders and Law Enforcement Officer, discussion and action item:

11. ORDINANCE FOR INTRODUCTION:

- a) **Ordinance 19-08-20-01**, amending Title 2-Administration and Personnel, Chapter 2.48-Planning Commission, Section 2.48.200-Commission Duties, discussion and action item:
- b) **Ordinance 19-08-20-02**, amending Title 9 – Public Peace Safety and Morals, Chapter 9.16-Protection of Water Lake Watershed & Chapter 9.20-Litter Control, discussion and action item:
- c) **Ordinance 19-08-20-03**, amending Title 2-Administration and Finance, Chapter 2.36 – Law Enforcement Department, Section 2.36.030-Department Chief, discussion and action item:
- d) **Ordinance 19-08-20-04**, amending Title 16-Subdivisions, discussion and action item:
- e) **Ordinance 19-08-20-05**, amending Title 17-Zoning, adding Chapter 17.05-Enforcement Authority, discussion and action item:

12. EXPENDITURES EXCEEDING \$2,000.00:

13. EXECUTIVE SESSION:

14. CONTINUATION OF PUBLIC COMMENT:

15. CONTINUATION OF COUNCIL COMMENT:

16. ADJOURNMENT:

POSTED: August 2, 2019

Bulletins: City Hall, AP Market, The Port, USFS , SISD & Thorne Bay School, Riptide Liquor

City Website: www.thornebay-ak.gov

MINUTES

FOR THE REGULAR MEETING OF THE CITY COUNCIL

FOR THE CITY OF THORNE BAY, ALASKA

COUNCIL CHAMBERS OF CITY HALL

120 FREEMAN DRIVE

Tuesday July 2, 2019

6:30 p.m.

The meeting was preceded by a workshop beginning at 6:00 p.m.

1. CALL TO ORDER:

McDonald called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

The city council and audience stood for the pledge to the flag.

3. ROLL CALL:

Those present were: Burger, Williams, McDonald, Carlson, Minnillo & Edenfield

Those excused: Slayton

4. APPROVAL OF AGENDA:

McDonald moved to approve the agenda. Minnillo seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda.

F/S: McDonald/Minnillo

YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,

NAYS: None

STATUS: Motion Passed

5. MAYOR'S REPORT:

McDonald reported the following:

1. Baler repairs pending. Estimated cost provided to replace the computer was around \$150,000 to \$200,000.
2. July 8, 2019-IFA would be conducting their Interviews for new General Managers of the IFA.
3. Met with troopers and VPSO West regarding Alder Road issues. We are continuing to move forward however we can to get the issue resolved and people to get access to their properties.

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- Minnillo inquired if Alder Court was an existing road when the State subdivided and sold that property, or if the people there now had to actually build the road themselves.
- McDonald responded that he would look into it.

There was discussion regarding who was required to maintain the roads in the subdivision

6. ADMINISTRATIVE REPORTS:

c. City Administrator's Report:

The City Administrator provided a report.

Meetings:

Met with Greg Stotton who confirmed that the State retains ownership of the ROW.

Met with State Troopers and trying to resolve the issues with the ROW

Met with OVK – discuss the applying for a Community Transportation Grant for the continued repairs and upgrades to the Kasaan Road. Next meeting with Sara Yockey, of OVK, will be July 15th to go over what could be done, how much the budget would be, and apply for the grant funds.

Water and Sewer Treatment Plat Upgrades – held the weekly meeting with the Contractor, State and VSW on the project.

Due to the dry weather, we are asking that people be cautious with their fireworks. Try to shoot them out over the water.

Projects:

Thorne Bay is assisting with documentation of the progress on the water/sewer treatment upgrades. Contractors will be putting the roof up after the fourth. Work has been progressing faster than anticipated.

No glitches so far.

New Business:

- a. Resolution for Williams Subdivision-Plat is consistent with requirements

Ordinance for Public Hearing:

- Ordinances 19-07-16-01 + 02 are amendments that allow the Planning Commission to act as Streets and Roads Commission in their absence.

Expenditure:

- a. CMI repairs to the Excavator.

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- b. Expenditure on the agenda for the Generator is estimated at \$4,100.00, there is a need for the generator because if power goes out, that would shut the plant down. Hoping to have the expense of \$3,000.00.
- c. Expense to DOWL for \$3,900 to obtain DEC approval to put drainfield at Davidson Landing to have a caretaker facility for someone to take care of DL area.
- d. Expense for Library Capital Improvements. Will sheet around the outside of the library that is rotting through, as well as sheet (skirt) the bottom of the, will also assist with the completion of repairs on inside of the building.

Department Reports:

- a. **Parks and Rec** – Ballfield maintenance has begun. Sand has been delivered and Nick Gefre will assist with spreading some of that out.
- b. **Harbor** - Harbor activities are increasing. A lot of time and energy from Ron, the Harbormaster, dealing with the few people that do not like the rules and regulations of the harbor. Ron manages the harbor and situations very well.
- c. **Streets and Roads** – The streets department is currently working on sign repairs and right-of-way mowing. Kasaan road improvements are underway
- d. **Water and Sewer** –
 - Sam Sawyer passed his Level II Water Operator Certifications. The city is now in compliance with DEC for the water and sewer operations.
 - Dave Duffield will take his exam for the Water Operator Level I certification the first of next week.
 - Want to acknowledge and give a pat on the back to our Water Operator Dave Duffield. As Sam Sawyer has been out spending time with his family and welcoming a new baby, Dave has really stepped up and has been running the operations by himself and doing a great job.
- e. **Solid Waste** – The baler is still down and not operating. One of the items on the agenda was expenditure for the repairs to the baler which were estimated at \$150,000 to \$200,000. One of the biggest issues with the baler is that it is not operated enough. On average a baler should run at approximately 8 hours per day, while the City's runs 4 hours every couple of weeks. That is one of our biggest issues and why we are trying to see if we can get an island wide operation to keep a baler running all of the time like Ketchikan or Wrangell.
- f. **Law Enforcement** – No update on VPSO or funding for the VPSO Program. They were just cut back by \$150,000.
- g. **FIRE/EMS** – Per Councilman Williams we are seeing what we can do about funding these positions.
- h. **Library** – Last veto of the Governor was eliminating the OWL funding. Will impact our operations here.

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d. City Clerk Report:

Clerk Teri Feibel provided the financial reports to the City Council.

Banking Balances:

Tongass Federal Credit Union Share accounts

Name	Available Balance	Actual Balance
<u>HEALTH PREMIUM</u>	<u>\$35,009.76</u>	\$35,014.76
<u>OCCUPANCY GEN.</u>	\$5,014.95	\$5,014.95
<u>SALES TAX 4.0%</u>	\$100,042.05	\$100,042.05
<u>OCC TAX EMS/FIRE</u>	\$9,652.93	\$9,652.93
<u>OCC TAX TOURISM</u>	\$5,960.54	\$5,960.54
<u>OCC TAX PARKS</u>	\$8,265.69	\$8,265.69
<u>OCC TAX HARBOR</u>	\$16,327.13	\$16,327.13
<u>CHECKING GENERAL ACCT</u>	\$113,626.17	\$113,626.17
<u>SALES TAX 6.0%</u>	<u>\$203,650.37</u>	\$203,675.37
<u>HARBOR</u>	\$69,416.52	\$69,416.52
<u>FISHERIES</u>	<u>\$22,066.16</u>	\$22,091.16
ACCOUNT TOTALS	\$589,032.27	\$589,087.27

City Clerk reported that concerns of how the Fisheries Association had awarded their 4th Community Charter Halibut Permit had been brought to the Council and councilmembers Minnillo and Slayton had requested the item be placed on the City Council agenda for discussion.

Clerk Feibel informed the City Council that the Fisheries Association needed to hold a special meeting to accept the resignation and appoint a replacement Agent for the Association since she had resigned. In order for the Fisheries Association to be compliant with the State of Alaska Corporations requirements, they needed to officially vote and replace the agent and then file that notice of change in officials to the State of Alaska Corporations Section.

Feibel stated there were issues when one of the permit holders who tried to report their GAF using the Fisheries Agent's login and was denied access because the account had been deactivated. The President of the Association had reported to NOAA that the Agent had resigned and to be removed

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from the E-Fish Account, although the resignation had not been voted on or a new agent appointed.

One of the largest items of concern with the Association was whether or not they were a “Private Corporation” or Public Corporation under the City.

Clerk Feibel read the Fisheries Association’s Purpose Statement as written on their Articles of Incorporation filed with the State of Alaska “the purpose of this association is to acquire and distribute Halibut and Sablefish IFQ on behalf of the City of Thorne Bay, Alaska, as a Community Quota Entity Participant”.

Clerk explained that the Association was comprised of Teri Feibel as the Registered Agent, David Egelston as the President, Jim Silverthorn as the Vice President, and Gary Anderson as the Secretary/Treasurer, Members were Cindy Edenfield and Lee Burger.

Feibel stated that if the Fisheries Association had their Board of Directors separate from the Fisheries Association voting members to manage the activities of the association, then the Board of Directors would be the ones who would deal with any issues or complaints regarding the Associations actions on distribution of the IFQ and Charter Halibut Permits.

After speaking with the City’s Local Government Specialist (LGS), it was recommended the City Council send a letter requesting that the Association adopt an Open Meeting Policy and Conflict of Interest Policy. It was the opinion of our LGS that the Council could not override a decision of the Association, but that since the City Council is required to submit a Resolution supporting the Association formation, that the council could recommend the Association adopt the policies. Since the Charter Permits were provided on behalf of the community to enhance economic development of the community, then obviously the community would have an interest and want to participate in those meetings.

Clerk Feibel stated that if residents were unable to get direction from the council, then they could go to the State of Alaska’s website, Corporation’s Division and submit a request for a formal investigation into the corporation.

7. PUBLIC COMMENTS:

Rodger Longbothom commented on the following:

- Spoke with one of the landowners on Alder Court and they actually paid for the road to be built down into her property

Dan Romey commented on the following:

- Inquired about the pump at Water Lake. Explained that when he worked for the City there was an issue with the pump. When he was there

DeAnn Minnillo commented on the following:

- Stated she continued to have concerns and questions regarding how the Fisheries Association had handled their distribution of charter halibut permits. It appeared that information had been researched and the information indicated that the City was the

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hierarchy of the Association, so why does it keep getting passed around and nothing done. Minnillo stated that she had experience serving on public boards, which included serving as a Councilmember for the City of Ketchikan, and Liaison for Ketchikan's Relations Committee and Visitors Industry, so she was familiar with how things are supposed to be operated. Minnillo stated she was shocked when she attended the Fisheries meeting and saw how it was run and how they didn't even adhere to their own bylaws. The board consists of 6 members, of which 3 members had requested the board be dismantled. Minnillo concluded her comments stating the actions of the Fisheries Association were unethical and requested that something be done to address the issue.

Jim McFarland commented on the following:

- Introduced the Southeast Island School District Superintendent Sherri Becker. McFarland stated Mrs. Becker was residing in Thorne Bay and has already been very active within the Community. Hope everyone will welcome her to the Community.

8. COUNCIL COMMENTS:

Williams commented on the following

- Requested an ordinance be brought forward to the City Council at the next meeting that would place the question on the ballot of increasing sales tax by one-half (1/2) of a percent to fund Emergency Services. The money would be dedicated for funding an Emergency Service and Fire Coordinator and Safety Compliance officer if needed. Williams stated the City was negligent in the area of public safety and emergency services. It is a very important need of the community and the city was not providing it to the level of standards needed. Williams stated that the departments are currently managed through the help of volunteers, and that was great, but they are few and far between, so they get burnt out quickly. If Thorne Bay wanted to have an Emergency Services Department, they would need to pay for it.

9. CONSENT AGENDA:

b. MINUTES:

- i. Minutes of the June 18, 2019, Regular City Council Meeting, discussion and action item:
- ii. Minutes of the June 4, 2019, Regular City Council Meeting, discussion and action item:

McDonald moved to approve the minutes of the June 4th and 16th Regular City Council Meetings. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve the minutes of the June 4th and 16th Regular City Council Meetings

F/S: McDonald/Carlson

YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,

NAYS: None

STATUS: Motion Passed.

10. NEW BUSINESS:

a) **Review of Thorne Bay Fisheries Association Activities, discussion and possible action item:**

McDonald moved to request that the Fisheries Association adopt a Conflict of Interest Policy and Open Meetings. Williams seconded the motion. Edenfield inquired if the members would be invited to attend and vote? McDonald stated he did not have answers to that.

Carlson stated she felt the discussion needed to be cleared up, there were a lot of people that did not like how it was handled and the council should address the issue.

McDonald stated he would get with Wayne and craft a letter to the attorney to find out who is the oversight on the Fisheries Association Activities. There was further discussion.

MOTION: Move to request that the Fisheries Association adopt a Conflict of Interest Policy and Open Meetings
F/S: McDonald/Williams
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,
NAYS: None
STATUS: Motion Passed

b) **Closing the Fisheries Savings Account held in the City of Thorne Bay's Tongass Account, discussion and action item:**

McDonald moved to close the Fisheries Savings Account held by the City and turn over to the Fisheries Association. Carlson inquired if this was the right time to be handing over their account when they have been accused of malpractice. Williams stated no one is questioning how the money is being handled at this point and time. I agree with mayor, if they require the request for open meeting etc. they will become in the State's watchful eye.

MOTION: Move to close the Fisheries Savings Account held by the City and turn it over to the Fisheries Association
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo & Williams,
NAYS: None
STATUS: Motion Passed.

c) **Resolution 19-07-02-01**, approving subdivision plat no. 2004-27, subdivision of lot 3, Manier Subdivision, creating lots 3A & 3B. discussion and action item:

McDonald moved to approve Resolution 19-07-16-01. Burger seconded the motion. There was no further discussion.

MOTION: Move to approve Resolution 19-07-16-01
F/S: McDonald/Burger
YEAS: McDonald, Edenfield, Carlson, Burger, Williams
NAYS: Minnillo,
STATUS: Motion Passed.

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11. ORDINANCE FOR INTRODUCTION:

- a) **Ordinance 19-07-16-01**, Amending Title 2.48-Planning Commission, amending Section 2.48.100, Planning Commission Duties, discussion and action item:

McDonald move to approve Ordinance 19-07-16-01. Burger seconded the motion. There was further discussion.

MOTION: Move to approve Ordinance
F/S: Williams/Burger
YEAS: McDonald, Edenfield, Carlson, Burger & Williams
NAYS: Minnillo
STATUS: Motion Passed.

- b) **Ordinance 19-07-16-02**, Amending Title 12-Streets, Sidewalks and Public Places, Chapter and Section 12.09.010-Streets and Roads Commission, discussion and action item:

McDonald moved to approve Ordinance 19-07-16-02. Edenfield seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-07-16-02
F/S: McDonald/Edenfield
YEAS: McDonald, Edenfield, Carlson, Burger, Williams,
NAYS: Minnillo
STATUS: Motion Passed.

12. EXPENDITURES EXCEEDING \$2,000.00:

- a) **Expenditure of \$3,500.00 to CMI for VOLVO Excavator Repairs, discussion and action item:**

McDonald moved to approve the expenditure of \$3,500.00, to CMI for VOLVO Excavator Repairs. Carlson seconded the motion. There was no further discussion.

MOTION: Move to approve the expenditure of \$3,500 for VOLVO Excavator Repairs
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,
NAYS: None
STATUS: Motion Passed.

b) Expenditure to CBC Construction for Water Plant GENERATOR Installation discussion and action item:

McDonald moved to pay for the installation of a generator at the Water Plant, with total costs not to exceed \$4,100.00. Edenfield seconded the motion. There was further discussion.

MOTION: Move to pay for the installation of a generator at the Water Plant, with total costs not to exceed \$4,100.00
F/S: McDonald/Edenfield
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams
NAYS: None
STATUS: Motion Passed.

c) Expenditure to DOWL for \$3,960.00, for obtaining DEC approval to construct drain field for caretaker facility, discussion and action:

McDonald moved to approve the expenditure of \$3,960.00, to DEC approval to construct drainfield for caretaker facility. Carlson seconded the motion. There was further discussion.

MOTION: Move to approve the expenditure of \$3,960.00, to DEC approval to construct drainfield for caretaker facility
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,
NAYS: None
STATUS: Motion Passed.

d) Discussion of upcoming expenditures for repair the Solid Waste Baler, discussion and possible action item:

Williams moved to table the discussion for Baler costs until the Administrator could obtain more information. McDonald seconded the motion. There was no further discussion.

MOTION: Move to table the discussion of the Baler costs until the City Administrator could obtain more information
F/S: Williams/McDonald
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,
NAYS: None
STATUS: Motion Passed

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e) **Approving the expenditure of \$4,000.00 for library repairs and capital improvements, discussion and action item:**

McDonald moved to approve the expenditure of \$4,000.00 for library repairs and capital improvements. Carlson seconded the motion. Edenfield inquired if the library would be putting matching funds for the projects and repairs. Williams stated the Friends of the Library would be providing funds towards the repair but may not be exactly 50% of the amount the City puts forward.

MOTION: Move to approve the expenditure of \$4,000.00 for library repairs and capital improvements.
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Carlson, Burger, Minnillo, Williams,
NAYS: None
STATUS: Motion Passed

13. EXECUTIVE SESSION:

The council may adjourn to executive session for the purpose of discussing pending or threatened lawsuits in which the city has an interest, which are matters, the immediate knowledge of which would clearly have adverse effect upon the finances of the city.

14. CONTINUATION OF PUBLIC COMMENT:

Brad Clark commented on the following:

1. Commented on the resolution for subdivision, it was approved by the Planning Official which was after creation of the Planning Commission.
2. Incorporation – with the Fisheries Association, if there was a resolution from the Council authorizing this committee it would help to determine who the oversight was.

DeAnn Minnillo commented on the following:

1. Thank you for your discussion of Fisheries. Appreciate what Risa Carlson said. Important done in proper manner. The recommendation does not undo what is done.
2. I asked for information regarding the fire department, and I was wandering if there is an answer for that.

15. CONTINUATION OF COUNCIL COMMENT:

No further council comments.

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16. ADJOURNMENT:

Mayor McDonald adjourned at 7:59 p.m.

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

DRAFT ONLY

MINUTES

FOR THE REGULAR MEETING OF THE CITY COUNCIL

FOR THE CITY OF THORNE BAY, ALASKA

COUNCIL CHAMBERS OF CITY HALL

120 FREEMAN DRIVE

Tuesday July 16, 2019

6:30 p.m.

*The meeting was preceded by a workshop at 5:30 p.m.
DNR Forest Division provided the public with their plans for timber harvest and settlement projects to the east of Thorne Bay*

1. CALL TO ORDER:

McDonald called the meeting to order at 6:30 p.m.

2. PLEDGE TO FLAG:

Audience and council stood for pledge

3. ROLL CALL:

Those present were McDonald, Carlson, Minnillo, Burger, Slayton

Those attending by phone: Edenfield and Williams

4. APPROVAL OF AGENDA:

McDonald moved to approve the agenda. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve the agenda

F/S: McDonald/Slayton

YEAS: McDonald, Edenfield, Slayton, Minnillo, Carlson, Burger

NAYS: None

STATUS: Motion Passed.

5. MAYOR'S REPORT:

Mayor McDonald reported on the following:

- a. IFA hired a General Manager. Dennis Watson the IFA's General Manager, Retired, will stay on to train the new manager for a short time.

- b. The concerns brought to the council regarding the Fisheries Association have been forwarded to the attorney for a guidance on who the oversight of the Committee would be.
- c. Solid Waste Baler repair is in the works. Getting internet put in so the new brain for the baler will be able to communicate with the factory and get the updates when needed.
- d. Planning Commission held their first meeting on July 15th with the next meeting on August 5th @ 6:00 p.m., in the City Council Chambers. The Planning Commission appointed their Chair Robert Hartwell, and Vice Chair Jim Baichtal at their July 15th meeting.

6. ADMINISTRATIVE REPORTS:

e. City Administrator's Report:

Meetings Attended and Updates:

- A. Teri and I met with OVK to discuss specifics of the Community Transportation grant in relation to project limits for the application. Phase 1 is from the Thorne Road to mile post 1.5 where the current project starts. The cost estimate is, based off the FLAP project, and prior engineers estimates, to be approximately \$5 million. Matching funds are 9.5 % and can be inhouse match. This submittal will be for the year 2020-2023 review period.
- B. Weekly construction meeting for Water upgrade project. Due to no State budget and lack of funds for VSW they cannot send their inspector to Thorne Bay and have asked me to do the construction inspections for the next couple months.

Tasks and Projects:

- A. Daily Construction inspection and pictures for VSW and DOWL to review progress. Exterior framing is complete and roofing complete with ice and water shield covering the plywood. The project is on and ahead of schedule on the construction work. Electrical should begin once the generator room is finished enough to hang electrical panels. The mechanical work is still working on shop drawings.

New Business:

- A. Resolution 19-07-16-01 supporting the continued road improvements and upgrades of the South Thorne Bay / Kasaan Road.
- B. Resolution 19-07-16-02 updating the Organizational Chart for the City of Thorne Bay Personnel.
- C. Appointing Thomas Drumme to the Planning and Zoning Commission.

Ordinances for Introduction:

- A. Ordinance 19-08-06-01 an ordinance that would place the question of increasing sales tax by one half of a percent to be used for Emergency Services and Law Enforcement Officer.

Ordinances for Public Hearing:

- A. Ordinances 19-07-16-01 & 02 are to amend the Planning and Zoning Commission duties and the Streets and Roads Commission duties to allow the combining of Streets and Roads Commission duties with the Planning and Zoning Commission duties if there is no Streets and Roads Commission.

Expenditures over \$2000

- A. Authorizing an expenditure not to exceed \$110,000, for repairs of the Solid Waste Baler.

Harbors and Parks: Tyrell did a great job monitoring activities and doing checks on the harbor while Ron was on Vacation.

Streets and Roads: Max is back to work so we can continue road projects.

Water and Sewer: Sam and Dave are doing great keeping water operations going despite the construction. CDC is going to give the city a price for painting the outside of the reservoir next year. An item that is always mentioned during the DEC inspections.

Solid Waste: Teri has an update on the baler. Josh has upgraded his CDL to include lowboy trailers. Josh has taken the slow time to change oils and filters on the equipment. Josh has recommended that the City start charging \$1 per gallon for oil and diesel brought to the solid waste site as a lot of the liquid is coming with water and antifreeze that needs to be separated before going into the waste oil burner. And we may have to start limiting the amount coming in.

Law Enforcement: Sounds like there is a person interested in filling the Thorne Bay VPSO position. Now the holdup is state budget funding to send him to the academy and since the academy is only held a couple times a year this may add to the delays.

FIRE/EMS: Follow up from last meeting the City has 3 operating fire trucks. One at Davidson Landing that can carry and pump water. Two on the northside, one that can pump from a hydrant and one that can carry and pump water. The truck that only pumps can carry water but leaks out if left for a couple days. The department is looking into having quick response trailers with pump and hose set around town at specific locations.

Library: The new layout is working well. Outside work has not started.

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f. City Clerk Report:

City Clerk, Teri Feibel reported the following:

- Ordinance 19-08-06-01- will place the question of increasing City Sales Tax ½ % on the October 1st Municipal Election Ballot. Estimated revenues from the additional sales tax is \$33,340.06. The funds would be dedicated to funding an Emergency Services/Public Safety Departments.
- Solid Waste Baler Repairs – Estimated cost of \$90k for the repairs, we are budgeting \$110k in case of any surprises they may find when begin the install.

Finance Reports of Income and Expenses and the balances from the City’s First Bank, Tongass Federal Credit Union and Wells Fargo Investment Accounts.

<u>HEALTH PREMIUM</u>	\$35,009.76
<u>OCCUPANCY GEN.</u>	\$5,014.95
<u>OCC TAX HARBOR</u>	\$16,327.13
<u>OCC TAX EMS/FIR</u>	\$9,652.93
<u>OCC TAX TOURISM</u>	\$5,960.54
<u>OCC TAX PARKS</u>	\$8,265.69
TOTAL OCCUPANCY....	45,221.24
<u>CHECKING</u>	\$88,715.79
SALES TAX SAVINGS:	
<u>SALES TAX 40%</u>	\$100,042.05
<u>SALES TAX 60%</u>	\$203,650.37
TOTAL SALES TAX SAVINGS:	\$30,3692.42
<u>HARBOR</u>	\$69,416.52
<u>FISHERIES</u> (Not city funds. This amount will be transferred out of the City’s account and deposited into the Fisheries Association Account.)	\$22,066.16
ACCOUNT TOTALS	\$564,121.89
WITHOUT FISHERIES	\$ 542,055.73

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WELLS FARGO INVESTMENT UP SINCE LAST YEAR THIS TIME: WAS \$ 1,093,485.29 NOW \$ 1,110,484.85	\$16,999.56
BONDS	503,173.45
MONEY MARKET	607,311.40
TOTAL INVESTMENT BALANCE	\$1,110,484.85
TOTAL ACCOUNT BALANCES:	\$1,652,540.58
QUICKBOOKS OPERATING INCOME & EXPENSE	
<u>OPERATING INCOME</u>	\$ 196,569.61
<u>OPERATING EXPENSE</u>	\$ 51,737.12
(QuickBooks) NET OPERATING INCOME JULY 1-16, 2019	\$144,832.49

7. PUBLIC COMMENTS:

d) Tongass Federal Credit Union – Presentation, discussion item:

Helen Mickel | President/CEO

Tongass Federal Credit Union | P: 907.228.6756 | F: 907.225.9002 |

Thorne Bay History

Tongass Federal Credit Union opened an all-volunteer community microsite in Thorne Bay in March of 2006. TFCU is part of your community because the Thorne Bay Business Association asked us to come and provide financial services. At first it seemed impossible, a tiny community of about 500 people supporting a branch. But with the support of community members who understood the importance of having local financial services to help with the sustainability of a community, we were able to make it happen. It took a lot of creativity and adjustment, like figuring out the number of hours and days to be open and how and where to provide services. The first site was shared with a local sporting goods store that was in the basement of a member's home. The cash was kept in the gun safe and transactions were done on paper. In 2007 or 2008 we moved into the Island News building on Willow Drive where we stayed until June of 2019 when we were able to partner with the city for an improved and affordable location.

Metlakatla was our first branch; we opened there in 2005, Thorne Bay in 2006 and in 2008 we opened a site inside the local AC Store in Klawock. All these communities invited us to come. Metlakatla where Wells Fargo left citing economic concerns and Klawock where they had been asking other banks to come in for years, but not one ever responded to their request. TFCU seeks to provide services to the unserved and underserved communities of coastal Alaska.

Not-for-Profit Financial Cooperatives

TFCU is a not-for-profit financial cooperative. We are governed by an all-volunteer board of directors. They set the strategic direction and approve policy for the credit union. We have board members located in Ketchikan, Klawock and Metlakatla. As a credit union, our shareholders are our members. Unlike banks we serve only one master, our members. Banks must serve their shareholders' interests by making enough money to give them a return on their investment, as well as keep their customers satisfied. As a credit union we can be nimble, and price our products and services for the benefit of our members.

Although we are not-for-profit, we still need to make enough money to build healthy reserves so we can remain sustainable into the future. We also must work to remain relevant by offering up-to-date services and products. TFCU is financially healthy and moving forward with plans to provide services in other microsite communities.

Tongass Federal Credit Union appreciates our partnership with the community of Thorne Bay. We enjoy being a part of the fabric of Thorne Bay and we are happy to be here providing services and two part-time jobs in the community. Thank you too for all you do to help us remain sustainable in your community through the money you borrow and the money you save with TFCU.

We currently are just shy of 400 members here in Thorne Bay and we are ecstatic about that. Today my husband Guy and I, brought over some teller stations for our employees that we had hand built by a local builder in Ketchikan.

We would like to invite individuals to be part of our Community Corps too! We send quarterly updates on current happenings at the credit union, we ask for feedback and may also ask for a little volunteer help with financial reality fairs or other community events. We rely on volunteers to help us move forward. The Community Corp is our sound board that gives us ideas for improving. Community Corp is a great way to do that. We would love to have more members.

Members get a quarterly email report from us letting them know what is going on. The reason we are able to do business in tiny business's is because of the relationship and support from the local residents. Everything you do makes a difference for us. We are also very thankful for our Thorne Bay staff Victoria and Adora, and we are very glad they are here tonight.

Roger Longbothom:

- Introduced Jeff and Karen Clark as Thorne Bay's New Preacher for the Baptist Church

Bob Hartwell:

- Requested the Council appoint Thom Drumme to the Planning Commission as Drumme had chaired the PZ Commission in the past and very knowledgeable in the department.
- On compliance officer, we are still generating the Do's and Don'ts of what the officer can do.
- Part of what I can do, people need to write their complaints down.
- Read what can enforce. Explained the noise more generator and not party or civil.
- What cannot enforce domestic violence, curfew, alcohol, theft, traffic (except parked), employee's and city departments.

Tara Blair:

- Here about a month ago, and a couple of things had asked, and I wanted to touch base on a couple of things....
 - Where are we at with Bay Chalet?
 - Thank city and council for the sand at the Baseball field. Sand is there, work not completed yet, but coming along. Thank you

Brad Clark:

- Endorse Mr. Drumme on the Planning Commission. Expertise and knowledge unmatched from anyone in the community
- Hartwell was elected as the Chairman of Planning Commission... Congratulations
- Number of us met with Sara Yockey regarding Kasaan Road – request the council support the efforts for the upgrades to Kasaan Road...
- Requested the City Council add language in the resolution that would include paving of the Kasaan Road.

Dave Egelston:

- Support Thom Drumme, hope you will endorse selection for the committee
- Discussion about half percent increase in sales tax- to go before voters this fall, don't like increases in sales tax, but do support emergency services. We do not have enough volunteer time to manage services the way we need to. Need someone who has time to put in and keep up.

Dan Romey:

- Reinforce Brad's statement about the pavement. When road was gravel all the way to Klawock, it was once brought to pavement standards. Then let go for about 10 years and had to do all over again. Pay for it twice in a sense.

8. COUNCIL COMMENTS:

Mark Minnillo:

- Would like reports from the commissions now they have started.
- Also, years ago we had reports from all departments...Fire, EMS, etc. That way status of engines and such brought up then...
- As far as Fire Trucks do we have something in the works on that?

Risa Carlson:

- Are we going to discuss the State's plan to log our backyard?

McDonald:

- Reason for the presentation was for the public as much as it was for the council. Not sure what we can do if the State plans to log their land.

Ray Slayton:

- Didn't sound like they were asking, only telling.

Risa Carlson:

- They did ask for public input

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Mark Minnillo:

- Will the City provide input once their plan is put out? There will have to be a public comment period, so the opportunity will be there.
- I think the City should provide comments.

McDonald:

- Every time they log state land and then sale the lands, the public are left to put in the roads. Part of the land sometime in the future will be developed. I want to be able to use as many of the roads as we can for residential use.

Risa Carlson:

- Risa, they never finish the cul-de-sac. It is in the plan, but they never finished.

Ray Slayton:

- Jim Neiland asked this very question and they kept saying over and over they would only do minimum of what they had to get the wood out of there. State was very articulate in how they said that.

McDonald;

- Not defending the State, but they have to do what they need to get the wood out. We will definitely make comments.

Ray Slayton:

- The time it will take to grow all of that back is well out in the future.... Like our grandchildren's grandchildren

9. CONSENT AGENDA:

NONE

10. NEW BUSINESS:

- a) **Resolution 19-07-16-01**, a resolution supporting the continued road improvements and upgrades of the South Thorne Bay / Kasaan Road discussion and action item:

McDonald moved to amend the resolution to add language that the portion that is improved also be paved. Slayton seconded the motion.

MOTION: Moved to approve Resolution adding language to
F/S: McDonald/Slayton
YEAS: McDonald, Edenfield, Slayton, Minnillo, Carlson, Burger, Williams
NAYS: None
STATUS: Motion Passed.

- b) **Resolution 19-07-16-02**, updating the Organizational Chart for the City of Thorne Bay Personnel, discussion and action item:

McDonald moved to approve Resolution 19-07-16-02. Carlson seconded the motion.

MOTION: Move to approve Resolution 19-07-16-02
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Slayton, Minnillo, Carlson, Burger, Williams
NAYS: None
STATUS: Motion Passed.

- c) **Appointing Thomas Drumme to the Planning and Zoning Commission, discussion and action item:**

McDonald moved to appoint Thom Drumme to the Planning and Zoning Commission.

Burger seconded the motion. Minnillo do commission members have to be residents of Thorne Bay? And is Thom Drumme a resident of Thorne Bay? Thom Drumme replied that he was a resident of Thorne Bay.

MOTION: Move to appoint Thom Drumme to the Planning and Zoning Commission
F/S: McDonald/Burger
YEAS: McDonald, Edenfield, Slayton, Minnillo, Carlson, Burger, Williams
NAYS: None
STATUS: Motion Passed

11. ORDINANCE FOR INTRODUCTION:

- f) **Ordinance 19-08-06-01**, an ordinance that would place the question of increasing sales tax by one-half (1/2) of a percent to be used for Emergency Services (EMS/FIRE) Responders and Law Enforcement Officer, discussion and action item:

McDonald move d to approve Ordinance 19-08-06-01. Slayton seconded the motion.

City Clerk reported that the Ordinance for ballot question to increase sales tax would generate approximately \$33,340.06 in sales tax. In the last 5 years we have averaged \$400,080.00 in tax revenue, equaling out to \$66,680.12 per year.

Slayton stated that the City had approved a Bed Tax a while back that had been used to fund some of the EMS operations, and he wanted to make sure the money is being accounted for. City Clerk explained it was, and that there is a register accounting for everything those funds are used for. The bank account balances for the Bed Tax were provided in the Clerk's report and the beginning of the meeting.

Williams stated that he was very passionate about the City's Emergency Services and it has been his goal for some time to enhance the services here so people would be sure to have these emergency services when they need them. This idea is that we would at least have the seed money to hire someone to get this operating.

Williams requested a public workshop to discuss the options and make sure to get this right and support the Emergency Services. Williams stated he was not satisfied with the contract held with Klawock and he did not feel they were providing the level of service the citizens here deserve.

Carlson stated she too felt this needed to get out to the public and a workshop is necessary to allow the public the opportunity to see what our idea is for utilizing the tax revenues from the additional 1/2 % tax. Carlson added that she was concerned the 1/2% tax increase may be too low to make an impact in the community.

McDonald discussion of the next city council meeting having the workshop be dedicated to the sales tax. Have workshop begin at **5:30 p.m.**

MOTION: Move to approve Ordinance 19-08-06-01
F/S: McDonald/Slayton
YEAS: McDonald, Williams, Edenfield, Slayton, Minnillo, Carlson, Burger
NAYS: None
STATUS: Motion Passed.

12. ORDINANCE FOR PUBLIC HEARING:

c) **Ordinance 19-07-16-01**, Amending Title 2.48-Planning Commission, amending Section 2.48.100, Planning Commission Duties, discussion and action item:
McDonald moved to approve Ordinance 19-07-16-01. Carlson seconded the motion. Minnillo last meeting I voted against this because we need to have two commissions

MOTION: Move to approve Ordinance 19-07-16-01
F/S: McDonald/Carlson
YEAS: McDonald, Edenfield, Slayton, Williams, Carlson, Burger
NAYS: Minnillo
STATUS: Motion Passed

d) **Ordinance 19-07-16-02**, Amending Title 12-Streets, Sidewalks and Public Places, Chapter and Section 12.09.010-Streets and Roads Commission, discussion and action item:

McDonald moved to approve Ordinance 19-07-16-02. Slayton seconded the motion. There was no further discussion.

MOTION: Move to approve Ordinance 19-07-16-02
F/S: McDonald/Slayton
YEAS: McDonald, Edenfield, Slayton, Williams, Carlson, Burger
NAYS: Minnillo
STATUS: Motion Passed

13. EXPENDITURES EXCEEDING \$2,000.00:

f) **Authorizing an expenditure not to exceed \$110,000.00, for repairs the Solid Waste Baler, discussion and possible action item:**

McDonald moved to approve the expenditure of \$110,000.00, for the repairs to the Solid Waste Baler System. Minnillo seconded the motion. Burger stated that getting the baler back online Thorne Bay had opportunity to house a regional solid waste with other communities bringing their garbage to Thorne Bay for disposal since barges will stop shipping loose garbage as they had in the past.

Carlson inquired if the council felt it would be a sound investment into the baler. Teri explained that the City currently pays Klawock almost \$70,000.00 a year. By repairing our baler, and not taking it to Klawock, the costs would cancel themselves out.

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MOTION: Move to approve the expenditure of \$110,000.00, for the repairs to the Solid Waste Baler System
F/S: McDonald/Minnillo
YEAS: Williams, McDonald, Edenfield, Slayton, Minnillo, Carlson, Burger
NAYS: None
STATUS: Motion Passed.

14. EXECUTIVE SESSION:

The council will adjourn to executive session for the purpose of discussing Subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;

1. Matter to be discussed is the City Administrator's Contract, discussion and action item:

McDonald moved to adjourn to executive session for the purpose of discussing the City Administrator's contract. Minnillo seconded the motion. There was no further discussion

Meeting was recessed 7:33 p.m.

Mayor McDonald reconvened the meeting at 8:13 p.m.

MOTION: Moved to adjourn to executive session to discuss the City Administrator's Contract
F/S: McDonald/Minnillo
YEAS: McDonald, Williams, Edenfield, Slayton, Minnillo, Carlson, Burger
NAYS: None
STATUS: Motion Passed.

15. CONTINUATION OF PUBLIC COMMENT:

Brad Clark

- Thank Ben Williams for bringing EMS up. Not sure if Tax is the way. That position has the potential to bring South and North together or tear apart. I say because you have two units. One here and one on south. The truck on southside did not run last time tried to use. There are options for mobile water units. Look at that. There people have water units. You have a lot of people here, and a lot of energy to use ad-hock committees. The EMS Fire needs to be addressed.
- On page 5 of the chart, you refer to a Planning Official, and last meeting was a mention of Planning official. Who is that??

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Thom Cunningham:

- I would like to bring up conditional use permits. Especially on South Thorne Bay. I would like to recommend that City when someone applies for a business license, then find out what that business is so can let them know if they need to have a conditional use permit. Determine then.

16. CONTINUATION OF COUNCIL COMMENT:

NONE

17. ADJOURNMENT:

McDonald adjourned the meeting at 8:18 p.m.

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

**RESOLUTION 19-08-06-01
CITY OF THORNE BAY**

A RESOLUTION DECLARING THE ELIGIBILITY OF THE CITY OF THORNE BAY TO SUBMIT AN APPLICATION TO THE ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (ADOT&PF) FOR THE COMMUNITY TRANSPORTATION PROGRAM FOR THE KASAAN ROAD REPAIRS AND RECONSTRUCTION PROJECT IN THORNE BAY, ALASKA, AND AUTHORIZING THE CITY OF THORNE BAY TO SIGN THE APPLICATION AND FUTURE PROJECT AGREEMENTS.

WHEREAS, the City of Thorne Bay has received a request from the ADOT&PF to nominate projects for inclusion in the Alaska Community Transportation Program funds as outlined in ADOT&PF's application packet for 2020-2023; and,

WHEREAS, the City of Thorne Bay is participating as an eligible City of Thorne Bay in the ADOT&PF Community Transportation Program; and,

WHEREAS, federal monies are available under a Community Transportation Program, administered by ADOT&PF, for the purpose of creating and promoting the planning and development of transportation projects in Alaska; and,

WHEREAS, the City of Thorne Bay acknowledges availability of the required match of no less than 9.03%; and,

WHEREAS, after appropriate public input and due consideration, the City Council of City of Thorne Bay has recommended that an application be submitted to the State of Alaska for the Kasaan Road Repairs and Reconstruction project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Thorne Bay:

Section 1. That the City Council for the City of Thorne Bay does hereby authorize the City of Thorne Bay to submit and sign an application to the ADOT&PF for Community Transportation Program funds on behalf of the citizens of Thorne Bay.

Section 2. That the City Council hereby assures the ADOT&PF that sufficient funding for the City of Thorne Bay matching contribution for the Kasaan Road Repairs and Reconstruction is available.

Section 3. That the City Council hereby assures the ADOT&PF that the City of Thorne Bay will commit to maintenance and operations responsibilities and that sufficient funding for the Kasaan Road Repairs and Reconstruction project will be available for the life of the project.

Section 4. That the City Council of the City of Thorne Bay supports the project entitled Kasaan Road Repairs and Reconstruction and agrees, subject to available STIP funding and

RESOLUTION 19-08-06-01

ITEM NO. 9-A

programming by ADOT&PF, to enter into a memorandum of agreement with the State of Alaska DOT&PF, in accordance with 17 AAC 05.175(l), for the design, construction, transfer, or maintenance of a STIP project pertaining to Kasaan Road Repairs and Reconstruction.

PASSED AND APPROVED by the City Council for the City of Thorne Bay this 6th day of August 2019.

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

RESOLUTION 19-08-06-02
ITEM NO. 9-B
RESOLUTION19-08-06-02
CITY OF THORNE BAY

PENDING -- WILL BE PUBLISHED BY AUGUST 3RD, 2019



ORDINANCE FOR PUBLIC HEARING

ITEM NO. 11-A

CITY OF THORNE BAY
ORDINANCE 19-08-06-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AUTHORIZING THE QUESTION OF AN INCREASE IN SALES TAX FROM 6% TO 6.5% BE
ON THE OCTOBER 1, 2019 GENERAL MUNICIPAL ELECTION BALLOT TO BE VOTED ON
BY THE VOTERS OF THORNE BAY, ALASKA

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA;

Section 1. Classification. This is a non-code ordinance

Section 2. Purpose of Ordinance. The purpose of this ordinance is to put the question of a sales tax increase of one-half percent ($\frac{1}{2}$ %) from 6% to 6.5% on the October 1, 2019, General Election Ballot.

Section 3. Effective Date. This ordinance shall not go into effect until first approved by a majority of the qualified voters voting on the question at a municipal election to be held on October 1, 2019.

PASSED AND APPROVED August 6, 2019

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: July 16, 2019]
[Public Hearing: August 6, 2019]

ORDINANCE FOR PUBLIC HEARING

ITEM NO. 11-A

ADDITIONS ARE BOLD AND IN BLUE

~~Deletions are red and stricken~~

AMENDMENT TO THORNE BAY MUNICIPAL CODE
TITLE 3-REVENUE AND FINANCE
CHAPTER 3.17-SALES TAX
SECTION 3.17.130 USE OF PROCEEDS OF SALES TAX:

3.17.130 USE OF PROCEEDS OF SALES TAX.

~~As of January 1, 2010, Thorne Bay Municipal Sales Tax is 6%. Five sixths (5/6) or eighty-three percent (83%) of the total sales tax collected shall be used for general municipal purposes. One sixth (1/6) or seventeen percent (17%) shall be placed in a savings account at the end of each calendar quarter to be divided 40/60 for community development projects and the maintenance and improvement of streets and roads. (Ord. 10-01-05-01)~~

AS OF JANUARY 1, 2020, SALES TAX WILL INCREASE FROM 6% TO 6.5% WITH REVENUES TO BE DEDICATED AS FOLLOWS:

- a. THE PROCEEDS (INCLUDING PENALTY AND INTEREST) COLLECTED UNDER THIS CHAPTER WHICH ARE DERIVED FROM FIVE PERCENT (5%) OF THE SALES TAX LEVY OR SEVENTY-SEVEN PERCENT (77%) OF THE TOTAL SALES TAX COLLECTED SHALL BE DEPOSITED INTO THE GENERAL FUND AND EXPENDED FOR GENERAL MUNICIPAL PURPOSES.
- b. THE PROCEEDS (INCLUDING PENALTY AND INTEREST) COLLECTED UNDER THIS CHAPTER WHICH ARE DERIVED FROM ONE PERCENT (1%) OF THE SALES TAX LEVY OR FIFTEEN PERCENT (15%) OF THE TOTAL SALES TAX COLLECTED SHALL BE EXPENDED FOR SPECIAL PURPOSES AND IN ACCORDANCE WITH THE PRIORITY LISTED IN (B)(1) AND (2) BELOW, AND THOSE PROCEEDS SHALL BE DEPOSITED IN AN ACCOUNT ENTITLED "SALES TAX SAVINGS"
 1. 40% SHALL BE EXPENDED ON COMMUNITY DEVELOPMENT PROJECTS
 2. 60% SHALL BE EXPENDED ON THE MAINTENANCE OF STREETS AND ROADS.
- c. ONE-HALF PERCENT OF THE SALES TAX LEVY OR EIGHT PERCENT (0.08%) OF TOTAL SALES TAX COLLECTED SHALL BE EXPENDED FOR SPECIAL PURPOSES AND IN ACCORDANCE WITH THE PRIORITY LISTED IN (C)(1) AND (2) BELOW, AND THOSE PROCEEDS SHALL BE DEPOSITED IN AN ACCOUNT ENTITLED "EMERGENCY SERVICES OPERATIONAL FUNDS"
 1. THE EMPLOYMENT OF AN EMERGENCY SERVICES COORDINATOR;
 2. ANY AND ALL FUNDS NOT SPENT ON THE SALARY OF EMERGENCY SERVICES COORDINATOR WILL BE DEFERRED TO THE OPERATIONAL EXPENSES OF THE EMERGENCY SERVICES & PUBLIC SAFETY.

(ORDINANCE 19-08-06-01; PRIOR ORD. 10-01-05-01, AND 85-08-22-01 §2, 1985)

ORDINANCE FOR PUBLIC HEARING

ITEM NO. 11-A

BALLOT MEASURE #1

SALES TAX INCREASE

CITY OF THORNE BAY SALES TAX RATE INCREASE WITH FUNDS TO BE DEDICATED TO EMERGENCY SERVICES DEPARTMENT, WITH PRIORITY IN EMPLOYMENT OF EMERGENCY SERVICES COORDINATOR

A. SHALL THE CITY OF THORNE BAY SALES TAX BE INCREASED ONE HALF PERCENT (FROM 6% TO 6.5%)?

THE REVENUES FROM SUCH SALES TAX RATE WILL BE USED TO FUND TO BE USED TO FUND THE EMERGENCY SERVICES DEPARTMENT (EMS/FIRE/VPSO) WITH PRIORITY IN THE EMPLOYMENT OF AN EMERGENCY SERVICES COORDINATOR.

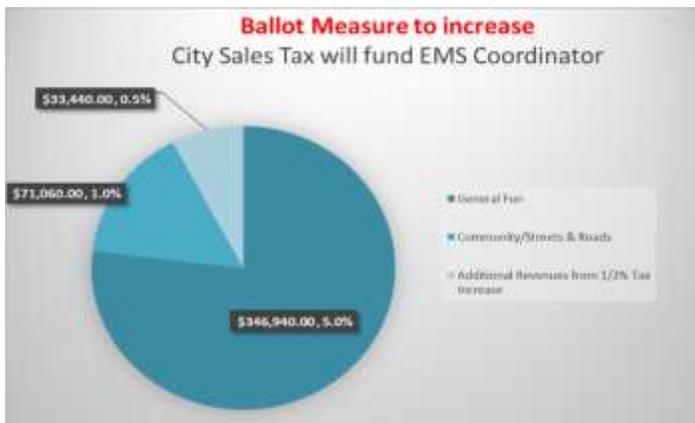
Explanation:

This measure asks the voters if they want to raise the City of Thorne Bay’s sales and use tax rate by 1/2 % (Fifty cents per \$100 purchase) with the money generated dedicated to employing an Emergency Service Coordinator/Public Safety Department

The City of Thorne Bay operates their emergency services through Volunteers of the Fire Department and a contract for medical services with the City of Klawock. It is our goal to fund the Emergency Services department to begin building the number of responders here in Thorne Bay.

This is a structured approach to funding the current and future needs to maintain adequate Emergency Services and which helps improve the overall quality of life in Thorne Bay.

Most importantly, these funds will not be used to offset losses from other departments (water, sewer, solid waste, etc.) or go into the General Fund to be used as needed.



These figures represent the estimated total sales tax revenues received within the last year.

Annual averaged sales tax is \$418,000 per year.

Sales tax is currently 6% and dedicated to:

- a.) 5% to the General Fund
- b.) 1% to Community Development/Streets and Roads at a split of 40/60

Additional Revenues from 1/2 % Sales Tax estimated at \$33,440

General Fund	5.00	divided by	6.50	equals	0.769230769
Comm Development/Streets Maint	1.00	divided by	6.50	equals	0.153846154
Emergency Services	0.50	divided by	6.50	equals	0.076923077
Total:	6.50	6.5 percent makes 100% of total sales tax received			1.0000

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 A

CITY OF THORNE BAY
ORDINANCE 19-08-20-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL, CHAPTER 2.48-
PLANNING COMMISSION,

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Chapter. The Title and Chapter of the TBMC Title 2- Administration and Personnel, Chapter 2.48-Planning Commission, is hereby amended and added to the thorne bay municipal code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 20, 2019

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, City Clerk

[Introduction: August 6, 2019]
[Public Hearing: August 20, 2019]

ADDITIONS ARE IN BOLD AND CAPITALIZED

Deleted items are ~~stricken~~

Thorne Bay Municipal Code

CHAPTER 2.48 - PLANNING COMMISSION

SECTION 2.48 2.48.100 PLANNING COMMISSION DUTIES.

Deleting subsection 2.48.100 (B)

2.48.100 PLANNING COMMISSION DUTIES.

The planning commission shall:

- A. Subject to Title 17 of this code, prepare and submit to the city council a proposed comprehensive plan in accordance with AS 29.40.030 for the systematic and organized development of the city. Annually the commission shall review the comprehensive plan and shall recommend appropriate amendments, if any, to the city council.
- ~~B. Subject to the Alaska Coastal Management Act (AS 46.40) and Alaska Administrative Code, 6AAC50, 6AAC80, and 6AAC85, prepare and submit to the city council a proposed coastal management plan. Annually, the commission shall review the coastal management plan and shall recommend appropriate amendments, if any, to the city council.~~
- C. Prepare, review, recommend and administer measures necessary to implement the coastal management plan and comprehensive plan, including measures provided under AS 29.40.040 and such other land use control measures as the planning commission deems necessary to supplement zoning regulations, land use permit requirements and measures to further the goals and objectives of the coastal management and comprehensive plans.
- D. Prepare and recommend to the city council a subdivision ordinance and the official map of the city and any recommended modifications to these documents.
- E. Publish notice of and hold at least one public hearing before submitting the commission's recommendations under subsections A, B and C of this section to the city council.
- F. Upon adequate notice which shall be provided by the chief executive officer, review annually the capital improvements program of the city and submit the commission's recommendations thereon to the chief executive officer on or before the due date specified in the notice.
- G. Investigate and prepare, upon city council or chief executive officer request, reports and recommendations on city land acquisitions, disposals and development. The report and

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 A

recommendation shall be based upon the provisions of this chapter, the coastal management plan, the comprehensive plan and the capital improvements program.

- H. Subject to and in accordance with the provisions of Titles 15, 16 and 17 of this code, act as the platting board, act upon requests for variances and act upon requests for conditional uses. No platting request, variance or conditional use may be granted which violates the provisions of AS Section 29.40.040 or Sections 16.36.010 and 16.36.020 of this code.
 - I. In the absence of a streets and roads commission, the planning commission shall perform all of the duties of the streets and roads commission as set forth in TBMC chapter 12.09-streets and roads commission. (Ordinance 19-07-16-01)
 - J. Act as an advisory commission to the chief executive officer and city council regarding planning, platting and zoning. (Ord. 92-18 § 4(part), 1992: Ord. 90-19 §§ 4(part), 5(part), 1990)
-

**CITY OF THORNE BAY
ORDINANCE 19-08-20-02**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, -
AMENDING TITLE 9 - PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.16-
PROTECTION OF WATER LAKE WATERSHED PROTECTION, AND CHAPTER 9.20-LITTER
CONTROL

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA

- Section 1.** Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2.** Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3.** Amendment of Title, Chapter and Sections: Title 9 - Public Peace, Morals Chapters 9.16-Water Lake Watershed Protection, and Chapter 9.20-Litter Control are hereby amended as set forth pages 2 through 10 of this ordinance (Ord. 19-08-20-02) and shall be added to the Thorne Bay Municipal Code upon adoption.
- Section 4.** Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED August 20, 2019

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction: August 6, 2019]
[Public Hearing: August 20, 2019]

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 B

ADDITIONS ARE IN BLUE AND CAPITALIZED

~~Deletions are stricken~~

**THORNE BAY MUNICIPAL CODE (TBMC)
AMENDING TITLE 9-PUBLIC PEACE, MORALS AND WELFARE
CHAPTERS**

Chapter and Sections shall read as follows:

CHAPTER 9.16 PROTECTION OF WATER LAKE WATERSHED

9.16.060 ENFORCEMENT.

9.16.080 OBEDIENCE TO OFFICIALS REQUIRED.

9.16.090 EMERGENCY POWERS.

9.16.100 COMPLIANCE ORDER.

9.16.110 PENALTY AND REMEDIES.

CHAPTER 9.20 LITTER CONTROL⁴²

9.20.010 DEFINITIONS.

9.20.060 PRIVATE PREMISES.

9.20.150 COMMERCIAL HANDBILLS PROHIBITED.

ADDING SECTION 9.20.155:

9.20.155 JUNK VEHICLES UNLAWFUL..

9.20.160 ENFORCEMENT.

9.20.180 OBEDIENCE TO OFFICIALS REQUIRED.

9.20.190 EMERGENCY POWERS.

9.20.200 COMPLIANCE ORDER.

SUMMARY:

- This Title and Chapter are hereby amended by
- Removing “Department Chief” and replacing with “VPSO” and/or “Code Enforcement Officer”
- Replacing “Watershed Officer” to Code “Enforcement Officer”
- Adding definition for “Junk Vehicle” to Chapter 9.20-Litter Control, and adding section: 9.20.155-Junk Vehicles Unlawful

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AMENDMENTS:

9.16-PROTECTIONS OF WATERSHED

9.20-LITTER CONTROL

CHAPTER 9.16 PROTECTION OF WATER LAKE WATERSHED

9.16.060 ENFORCEMENT.

It shall be the duty of the VILLAGE PUBLIC SAFETY OFFICER OR CODE ENFORCEMENT OFFICER, ~~village protection safety officer~~ (hereinafter called "~~city watershed~~ CODE ENFORCEMENT officer") to enforce the provisions of this chapter. (Ord. 89-19 § 5(part), 1989)

9.16.080 OBEDIENCE TO OFFICIALS REQUIRED.

The failure or refusal to comply with any lawful order or direction of the ~~city watershed~~ CODE ENFORCEMENT officer given in connection with this chapter shall be a violation of this chapter. (Ord. 89-19 § 5(part), 1989)

9.16.090 EMERGENCY POWERS.

- A. When it is found, after investigation, that a person is causing, engaging in or maintaining a condition or activity which, in the judgment of the ~~city watershed~~ CODE ENFORCEMENT officer presents an imminent or present danger to the health, safety, or welfare of the people of the municipality or would result in or be likely to result in irreversible or irreparable damage to the Water Lake watershed protection area, and it appears to be prejudicial to the interest of the people of the municipality to delay action until an opportunity for a hearing can be provided, the ~~city watershed~~ CODE ENFORCEMENT officer, without prior hearing, may order that person by notice to discontinue, abate, or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.
- B. Upon receipt of an order of the ~~city watershed~~ CODE ENFORCEMENT officer made under subsection A of this section, the person affected has the right to be heard and to present proof to the city council that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare or to the Water Lake watershed protection area.
- C. In the chief executive officer's discretion or upon application made by the recipient of an order within fifteen days of receipt of the order, the chief executive officer shall schedule a hearing before the city council at the earliest possible time. The hearing shall be scheduled within five days after receipt of the application. The submission of an application or the scheduling of a hearing does not stay the operation of the ~~city watershed~~ CODE ENFORCEMENT officer's order made under subsection A of this section.

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- D. After a hearing the city council may affirm, modify, or set aside the order. An order affirmed, modified, or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the city council so directs. If an order is not immediately complied with, the city attorney, upon request of the chief executive officer, may seek enforcement of the order. (Ord. 89-19 § 5(part), 1989)

9.16.100 COMPLIANCE ORDER.

- A. When, in the opinion of the ~~city watershed~~ CODE ENFORCEMENT officer, a person is violating or is about to violate a provision of this chapter, or a lawful order of the ~~city watershed~~ CODE ENFORCEMENT officer, the ~~city watershed~~ CODE ENFORCEMENT officer may notify the person of his determination by personal service or certified mail.
- B. The recipient of the determination must file with the ~~city watershed~~ CODE ENFORCEMENT officer, within ten days, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice.
- C. After the report is filed under subsection B of this section, or the time period specified for it has elapsed, the ~~city watershed~~ CODE ENFORCEMENT officer may issue a compliance order. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt.
- D. Within fifteen days after receipt the recipient may request a hearing before the city council to review the compliance order. Failure to request a hearing within fifteen days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.
- E. The city council shall hold a hearing within twenty days after receipt of a request for one under subsection D of this section. After the hearing the city council may rescind, modify or affirm the compliance order.
- F. Appeal from a decision of the city council shall be to the superior court, provided notice of appeal is filed with the superior court no later than thirty days following the city council's issuance of its written decision (this time limit is jurisdictional) and the appellant pay the city, by depositing with the city clerk, the city's cost of preparing the entire record (including a transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.
- G. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this chapter, pursuant to AS 29.40.060(b).
- H. The city attorney may seek enforcement of a compliance order. (Ord. 89-19 § 5(part), 1989)

9.16.110 PENALTY AND REMEDIES.

- A. Civil Remedies.
- 1) Upon violation of any of the provisions of this chapter, or failure or refusal to comply with any lawful order or direction of the ~~city watershed~~ CODE ENFORCEMENT officer given in connection with this chapter, the ~~city watershed~~ CODE ENFORCEMENT officer

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on behalf of the city, or any aggrieved citizen, may institute or cause to be instituted an appropriate civil action to prevent, enjoin, abate, estop, remove or punish such violation and to obtain monetary damages suffered by such party.

- 2) In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed one thousand dollars and attorney fees as provided by law.
 - 3) Each day a violation continues shall constitute an additional violation for purposes of assessing civil penalties.
 - 4) An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the finding of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation.
- B. Criminal Remedies. Any violation of the provisions of this chapter, including failure or refusal to comply with any lawful order or direction of the ~~city watershed~~ **CODE ENFORCEMENT** officer given in connection with this chapter, is a misdemeanor. Every person convicted of such violation shall be subject to a fine not exceeding one thousand dollars, a jail term not exceeding thirty days, or both. Each unlawful act or condition, and every day upon which such continues, shall constitute a separate violation. (Ord. 89-19 § 5(part), 1989)

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CHAPTER 9.20 LITTER CONTROL

9.20.010 DEFINITIONS.

The following terms, phrases, words and their derivations shall have the meaning given herein unless their use in the text clearly demonstrates a different meaning.

- A. "Aircraft" means any contrivance now known or hereafter invented, used or designed for navigation or for flight in the air. "Aircraft" includes helicopters and lighter-than-air dirigibles and balloons.
- B. "City" means and includes all those lands located within the city limits of Thorne Bay, Alaska, as depicted on that certain map produced in 1984 by Northwest Cartography entitled Land Ownership Edition, segments 1 through 10, Thorne Bay, Alaska, one copy of which has been filed in the office of the city clerk for public use, inspection and examination, and which map is made a part of this section as if fully set forth herein.
- C. "Commercial handbill" means and includes any handbill which advertises for sale, or promotional gifts or prizes, any merchandise, product, commodity or thing; directs attention to any business for the purpose of either directly or indirectly promoting the interests thereof by sales or by other means; directs attention to or advertises any meeting, exhibition, theatrical or other performance or event of any kind for which an admission fee is charged; while containing reading or pictorial matter other than Advertising matter is predominantly and essentially an advertisement and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.
- D. "Construction sites" means and includes any private or public property upon which repairs to existing buildings, construction of new buildings, or demolition of existing structures is taking place.
- E. "Elements" means and includes any element whether created by nature or created by man, which with reasonable foresee ability could carry litter from one place to another. Elements shall include, but are not limited to, air current, rain, water current and animals.
- F. **"JUNK VEHICLE" MEANS A MOTOR VEHICLE THAT:**
 - 1. **IS NOT CURRENTLY REGISTERED UNDER AS 28.10, EXCEPT FOR A VEHICLE NOT CURRENTLY REGISTERED UNDER AS 28.10 AND USED EXCLUSIVELY FOR COMPETITIVE RACING;**
 - 2. **IS STRIPPED, WRECKED, OR OTHERWISE INOPERABLE DUE TO MECHANICAL FAILURE;**
 - 3. **HAS NOT BEEN REPAIRED BECAUSE OF MECHANICAL DIFFICULTIES OR BECAUSE THE COST OF REPAIRS REQUIRED TO MAKE IT OPERABLE EXCEEDS THE FAIR MARKET VALUE OF THE VEHICLE; OR**
 - 4. **IS IN A CONDITION THAT EXHIBITS MORE THAN ONE OF THE FOLLOWING ELEMENTS:**
 - a) **BROKEN GLASS;**
 - b) **MISSING WHEELS OR TIRES;**
 - c) **MISSING BODY PANELS OR PARTS; OR**
 - d) **MISSING DRIVE TRAIN PARTS.**

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- G. "Litter" means and includes any non-containerized manmade or man-used waste which, if deposited within the city other than in a litter receptacle, tends to create a danger to public health, safety, and welfare or to impair the environment of the people of the city. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal, or nauseous or offensive matter of any kind, or any object likely to injure any person or create a traffic hazard.
- H. "Litter receptacles" means and includes any container which is designed to receive litter and to prevent the escape of litter deposited therein, which is of such size or sufficient capacity to hold all litter generated between collection periods.
- I. "Park" means and includes a public or private park, reservation, playground, beach, recreation center or any public or private area devoted to active or passive recreation, or any other area under the supervision of the department of public parks.
- J. "Parking lots" means and includes any private or public property with provisions for parking vehicles, to which the public is invited or which the public is permitted to use, or which is visible from any public place or private premises.
- K. "Private premises" means and includes any dwelling, use, building or other structure designed to be used, either wholly or in part, for private Residential purposes, whether uninhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house, building or other structure.
- L. "Public place" means and includes any and all streets, boulevards, avenues, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.
- M. "Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon land or water, including devices used exclusively upon stationary rails or tracks. (Ord. 89-22 § 5(part), 1989)

9.20.060 PRIVATE PREMISES.

- A. The owner or person in control of private premises shall:
 - 1. Maintain litter receptacles for collection of litter as necessary and in such a manner that litter will be prevented from being carried by the elements to adjoining premises. (Ord. 89-22 § 5(part), 1989)
 - 2. KEEP PROPERTY CLEAR OF LARGE QUANTITIES OF JUNK (JUNK ACCUMULATION), AND/OR JUNK VEHICLES.

9.20.155 JUNK VEHICLES UNLAWFUL.

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- A. IT IS UNLAWFUL FOR THE OWNER OF RECORD OR OTHER PERSON WITH LEGAL RIGHT TO POSSESSION OF A JUNK VEHICLE TO PLACE OR ALLOW SUCH VEHICLE TO REMAIN IN PUBLIC VIEW ON ANY PROPERTY, PUBLIC OR PRIVATE, WITHIN THE CITY FOR MORE THAN 10 DAYS, THE SAME BEING DECLARED A PUBLIC NUISANCE. IT IS ALSO UNLAWFUL FOR THE OWNER, TENANT OR OTHER PERSON IN POSSESSION OR CONTROL OF ANY PROPERTY TO CAUSE OR ALLOW A JUNK VEHICLE TO BE PLACED OR REMAIN IN PUBLIC VIEW ON SUCH PROPERTY FOR MORE THAN 10 DAYS.
- B. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, IF THE VPSO OR CODE ENFORCEMENT OFFICER HAS REASONABLE GROUNDS TO BELIEVE THAT REPAIRS CAN BE MADE TO RENDER A JUNK VEHICLE OPERABLE, THAT THE OWNER OF RECORD OR OTHER PERSON ENTITLED TO POSSESSION OF THE VEHICLE IS WILLING TO UNDERTAKE OR HAVE PERFORMED SUCH REPAIRS, THAT THE VEHICLE DOES NOT POSE ANY HEALTH OR SAFETY HAZARD, AND THAT THERE IS NO REASONABLE MEANS FOR REMOVING THE VEHICLE FROM PUBLIC VIEW WHILE REPAIRS ARE BEING PERFORMED, THE VPSO OR CODE ENFORCEMENT OFFICER MAY AUTHORIZE A PERIOD OF NO MORE THAN 30 DAYS FOR THE PERFORMANCE OF SUCH REPAIRS. IN NO CASE, HOWEVER, MAY THIS SECTION BE CONSTRUED AS AUTHORIZING THE OPERATION OF A JUNKYARD OR OTHER SALVAGE OR REPAIR BUSINESS WHERE OTHER REQUIREMENTS OF THE LAW HAVE NOT BEEN MET.

9.20.160 ENFORCEMENT.

It shall be the duty of the ~~village protection safety officer~~ VILLAGE PUBLIC SAFETY OFFICER OR CODE ENFORCEMENT OFFICER, (hereinafter called "~~litter~~ CODE enforcement officer") to enforce the provisions of this chapter. (Ord 18-01-02-01) (Prior Ord. 89-22 § 5(part), 1989)

9.20.180 OBEDIENCE TO OFFICIALS REQUIRED.

The failure or refusal to comply with any lawful order or direction of the ~~litter~~ CODE enforcement officer given in connection with this chapter shall be a violation of this chapter. (Ord. 89-22 § 5(part), 1989)

9.20.190 EMERGENCY POWERS.

- A. When it is found, after investigation, that a person is causing, engaging in or maintaining a condition or activity which, in the judgment of the ~~litter~~ CODE enforcement officer presents an imminent or present danger to the health, safety or welfare of the people of the municipality or would result in or be likely to result in irreversible or irreparable damage to adjoining property or premises, and it appears to be prejudicial to the interest of the people of the municipality to delay action until an opportunity for a hearing can be provided, the ~~litter~~ CODE enforcement officer, without prior hearing, may order that person by notice to discontinue, abate or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.

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- B. Upon receipt of an order of the ~~litter~~ CODE enforcement officer made under subsection A of this section, the person affected has the right to be heard and to present proof to the city council that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare.
- C. In the chief executive officer's discretion or upon application made by the recipient of an order within fifteen days of receipt of the order, the chief executive officer shall schedule a hearing before the city council at the earliest possible time. The hearing shall be scheduled within five days after receipt of the application. The submission of an application or the scheduling of a hearing does not stay the operation of the city ~~litter~~ CODE enforcement officer's order made under subsection A of this section.
- D. After a hearing the city council may affirm, modify or set aside the order. An order affirmed, modified or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the city council so directs. If an order is not immediately complied with, the city attorney, upon request of the chief executive officer, may seek enforcement of the order. (Ord. 89-22 § 5(part), 1989)

9.20.200 COMPLIANCE ORDER.

- A. When, in the opinion of the city ~~litter~~ CODE enforcement officer, a person is violating or is about to violate a provision of this chapter, or a lawful order of the ~~litter~~ CODE enforcement officer, the ~~litter~~ CODE enforcement officer may notify the person of his determination by personal service or certified mail.
- B. The recipient of the determination must file with the ~~litter~~ CODE enforcement officer, within the five days, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice.
- C. After the report is filed under subsection B of this section, or the time period specified for it has elapsed, the ~~litter~~ CODE enforcement officer may issue a compliance order. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt.
- D. Within fifteen days after receipt the recipient may request a hearing before the city council to review the compliance order. Failure to request a hearing within fifteen days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.
- E. The city council shall hold a hearing within twenty days after receipt of a request for one under subsection D of this section. After the hearing the city council may rescind, modify or affirm the compliance order.
- F. Appeal from a decision of the city council shall be to the superior court, provided notice of appeal is filed with the superior court no later than thirty days following the city council's issuance of its written decision (this time limit is jurisdictional) and the appellant pay the city, by depositing with the city clerk, the city's cost of preparing the entire record (including a transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.

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- G. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely on the record established in this chapter, pursuant to AS 29.40.060(b).
- H. The city attorney may seek enforcement of a compliance order. (Ord. 89-22 § 5(part), 1989)

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 C

**CITY OF THORNE BAY
ORDINANCE 19-08-20-03**

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL, CHAPTER 2.36-LAW ENFORCEMENT DEPARTMENT, SECTIONS 2.36.010-DEPARTMENT ESTABLISHED, 2.36.020-VILLAGE PUBLIC SAFETY OFFICER, 2.36.030-DEPARTMENT CHIEF

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY ALASKA;

- Section 1.** Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2.** Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3.** Amendment of Section. Amending Title 2-Administration and Personnel, Chapter 2.36-Law Enforcement Department, is hereby amended added to the Thorne Bay Municipal Code as set forth on pages 2-3 of this ordinance.
- Section 4.** Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: August 20, 2019

Mayor Harvey McDonald

ATTEST:

Teri Feibel, CMC

[INTRODUCTION HEARING: AUGUST 6, 2019]

[PUBLIC HEARING: AUGUST 20, 2019]

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 C

AMENDING THORNE BAY MUNICIPAL CODE

**TITLE 2 - ADMINISTRATION AND PERSONNEL
CHAPTER 2.36 LAW ENFORCEMENT DEPARTMENT**

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2.36.030 ~~DEPARTMENT CHIEF~~. **CODE ENFORCEMENT OFFICER** 49

CHAPTER 2.36 - LAW ENFORCEMENT DEPARTMENT:

2.36.010 DEPARTMENT ESTABLISHED.

There shall be a law enforcement department for the city. The law enforcement officer shall be the department head and shall administer the department as provided in AS 29.20.400. (Ord. 91-17 § 4(part), 1991)

2.36.020 VILLAGE PUBLIC SAFETY OFFICER.

The village public safety officer (referred to in this chapter as "VPSO") shall be the department head, serving the city in accordance with the village public safety officer program letter of agreement (referred to in this chapter as "agreement") between the city of Thorne Bay and the Central Council of Tlingit and Haida Indian Tribes of Alaska (referred to in this chapter as "Central Council") as long as the agreement remains in effect.

- A. Subject to the approval of the Central Council, as provided in the agreement, the VPSO shall be appointed by the council.
- B. The Chief Administrator shall act as liaison between the VPSO and the city.
 - 1. In accordance with AS 29.20.500, the Chief Administrator shall supervise the department.
 - 2. The Chief Administrator shall exercise care and concern in the supervision of the VPSO, shall keep the council informed about the status of the city law enforcement and performance of the VPSO, and shall consult the council in evaluating the performance of the VPSO.
- C. For just cause and after approval by the council, the Chief Administrator may recommend to central council that the VPSO be removed from the position.
- D. In accordance with the agreement, the VPSO provides to his or her level of training a broad range of public safety services, including but not limited to enforcement of Municipal Law. With due regard for the VPSO's training and expertise, as well as the public's safety, the Chief Administrator, after approval of Central Council and the Alaska State Troopers and consideration of the VPSO's opinions and suggestions, shall assign reasonable and authorized public safety duties to the VPSO. Such duties shall be assigned within the limits of the VPSO's standard workday and standard workweek as established in the agreement.

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1. Other public safety concerns or special VPSO duties may be assigned as authorized in the agreement.
- E. ~~To assist the council in evaluating the VPSO's response to the needs of the city within the VPSO's area of responsibility, in accordance with the agreement, the VPSO~~ **THE VPSO** shall make a monthly oral report at a regular council meeting, presenting pertinent current public safety information and a general review of the department's previous month's activities. **THESE REPORTS WILL ASSIST THE COUNCIL IN EVALUATING THE VPSO'S RESPONSE TO THE NEEDS OF THE CITY WITHIN THE VPSO'S AREA OF RESPONSIBILITY, IN ACCORDANCE WITH THE AGREEMENT, THE VPSO**
- F. ~~To assist the city in providing the VPSO normal office facilities in accordance with the agreement, The VPSO annually, when requested by the Chief Administrator, The VPSO~~ shall submit a proposed department budget for the next fiscal year **ANNUALLY UPON REQUEST TO ASSIST THE CITY IN PROVIDING THE VPSO NORMAL OFFICE FACILITIES IN ACCORDANCE WITH THE AGREEMENT.** The VPSO shall be consulted about any change to be made in the department's proposed budget before it is finalized by the Chief Administrator for approval of the council. (Ord. 98-01§3 (part), 1998: Ord. 91-17 §4(part), 1991)

2.36.030 CODE ENFORCEMENT OFFICER ~~DEPARTMENT CHIEF.~~

When the city is not party to an agreement covering the employment of a VPSO:

- A. **THE CHIEF ADMINISTRATOR UPON THE APPROVAL OF THE CITY COUNCIL SHALL APPOINT A CODE ENFORCEMENT OFFICER .**
- ~~A. The Department Chief shall be appointed by the Chief Administrator, confirmed by the council, and responsible to the Chief Administrator.~~
- B. The **CODE ENFORCEMENT OFFICER** ~~chief~~ shall be the department head and shall administer the department.
- C. By ordinance or resolution, the council shall establish the organization and functions of the department, after considering recommendations of the chief administrator. (Ord. 98-01 §3(part), 1998: Ord. 91-17 §4(part), 1991)

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 D

CITY OF THORNE BAY
ORDINANCE 19-08-20-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 16-SUBDIVISIONS, CHAPTER 16.04-GENERAL PROVISIONS

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY ALASKA;

- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The Title and Chapter of Title 16-Subdivision, Chapter 16.04-General Provisions, are hereby adopted and added to the Thorne Bay Municipal Code.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: August 20, 2019

Harvey McDonald, Mayor

ATTEST:

Teri Feibel, CMC

[Introduction Hearing: August 6, 2019]
[Public Hearing: August 20, 2019]

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ITEM NO. 12 D

ADDITIONS ARE IN BOLD AND UNDERLINED

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TBMC

TITLE 16-SUBDIVISIONS

AMENDING SECTION 16.04 – GENERAL PROVISIONS

SECTION:

16.04.050 ADMINISTRATIVE PROVISIONS.

- A. Unless the City Council opts to administer and enforce this title pursuant to Section 2.48.010, the chief executive officer shall appoint, and the City Council shall confirm a planning official to administer and enforce this title.
- B. The planning commission shall perform all planning functions pursuant to Alaska Statutes 29.33 and this title, including serving as the platting board pursuant to Alaska Statutes 4.15.
- C. The chief executive officer, **CODE ENFORCEMENT OFFICER, OR OTHER DESIGNEE** shall serve as the city Planning Official until such time as he appoints, and the city council confirms another to perform that function. (Ordinance 19-08-20-04; Prior Ord. 12-04-03-02)

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 D

CITY OF THORNE BAY
ORDINANCE 19-08-20-05

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 17-ZONING, ADDING CHAPTER 17.05-AUTHORITY TO ENFORCE

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY ALASKA;

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.

Section 3. Amendment of Section. Amending Title 17-Zoning, Adding Chapter 17.05-Enforcement Authority, Sections 17.05.010 -090 are hereby adopted and added to the Thorne Bay Municipal Code.

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED: August 20, 2019

ATTEST:

Teri Feibel, CMC

Harvey McDonald, Mayor

[Introduction Hearing: August 6, 2019]
[Public Hearing: August 20, 2019]

ORDINANCE FOR INTRODUCTION

ITEM NO. 12 D

ADDITIONS ARE IN BOLD AND UNDERLINED

~~Deletions are stricken and in red~~

TBMC

TITLE 17 ZONING

ADDING CHAPTER 17.05 -
ENFORCEMENT AUTHORITY

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DRAFT ONLY

ORDINANCE FOR INTRODUCTION

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17.05.010. ENFORCEMENT

IT SHALL BE THE DUTY OF THE CODE ENFORCEMENT OFFICER, VILLAGE PUBLIC SAFETY OFFICER OR OTHER DESIGNEE TO ENFORCE THE PROVISIONS OF THIS TITLE.

17.05.020 OBEDIENCE OF LAW REQUIRED.

IT IS A VIOLATION OF THIS CHAPTER FOR ANY PERSON TO DO ANY ACT WHICH IS FORBIDDEN OR TO FAIL TO PERFORM ANY ACT REQUIRED TO BE PERFORMED IN THIS TITLE.

17.05.030 OBEDIENCE TO OFFICIALS REQUIRED.

THE FAILURE OR REFUSAL TO COMPLY WITH ANY LAWFUL ORDER OR DIRECTION OF THE CODE ENFORCEMENT OFFICER GIVEN IN CONNECTION WITH THIS CHAPTER SHALL BE A VIOLATION OF THIS TITLE.

17.05.040 CITIZEN COMPLAINTS - FILING A COMPLAINT

- A. CITIZENS MAY FILE A NOTICE OF VIOLATION COMPLAINT WITH THE CITY CLERKS OFFICE. COMPLAINTS MUST BE SUBMITTED IN WRITING ON A FORM PRESCRIBED BY THE CITY.
-

17.05.050 AUTHORITY, INSPECTIONS, FEES.

- A. THE CITY MAY INSPECT PROPERTY TO DETERMINE COMPLIANCE WITH THIS ORDINANCE.
- B. THE DESIGNATED PLANNING OFFICIAL OR CODE ENFORCEMENT OFFICER, MAY EXPAND THE SCOPE OF ANY INSPECTION TO INCLUDE OTHER CITY CODE VIOLATIONS NOTED DURING INSPECTION.
- C. EXEMPTED FROM THE OPERATION OF THIS ORDINANCE IS LARGE, REMOTE ACREAGE IN ITS NATURAL STATE, ACREAGE IMPOSSIBLE TO SERVICE WITH LARGE MACHINERY DUE TO ITS TERRAIN, PROPERTY USED FOR GOVERNMENTAL PURPOSES, AND INDUSTRIALLY AND COMMERCIAL ZONED AREAS TO THE EXTENT ZONING PERMITS STORAGE OF MATERIAL ORDINARILY PROHIBITED BY THIS ORDINANCE. THIS EXEMPTION IS NOT OPERABLE WHEN ACTUAL AND PROBABLE DANGER EXISTS.
- D. IF UPON INSPECTION, ONE OR MORE VIOLATIONS OF THE THORNE BAY MUNICIPAL CODE EXISTS, THE OWNER OR RESPONSIBLE PARTY WILL BE REQUIRED TO CORRECT ALL VIOLATIONS WITHIN A REASONABLE AMOUNT OF TIME.
- E. THE CITY MAY CHARGE REASONABLE FEES TO THE OWNER AND RESPONSIBLE PARTY OF A PROPERTY FOR INSPECTIONS, INCLUDING THEIR RELATED ACTIVITIES AND ADMINISTRATIVE FUNCTIONS, OTHER THAN THE INITIAL INSPECTION AND THE FINAL INSPECTION, CONDUCTED PURSUANT TO THIS CHAPTER.

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17.03.060 NOTICE OF VIOLATIONS:

- A. UPON INSPECTION, IF THE CITY FINDS A VIOLATION OF THIS ORDINANCE, THE CITY MAY NOTIFY THE OWNER, OWNER'S AGENT, OR RESPONSIBLE PARTY THROUGH THE ISSUANCE OF A NOTICE OF VIOLATION. IF A NOTICE OF VIOLATION IS ISSUED, IT SHALL INCLUDE:
 - 1. IDENTIFICATION OF PROPERTY IN VIOLATION;
 - 2. STATEMENT OF VIOLATIONS IN SUFFICIENT DETAIL TO ALLOW AN OWNER OR RESPONSIBLE PARTY TO IDENTIFY AND CORRECT THE PROBLEM;
 - 3. RE-INSPECTION DATE;
 - 4. ADDRESS AND PHONE NUMBER OF A CITY REPRESENTATIVE TO CONTACT;
 - 5. CITY'S AUTHORITY TO ISSUE CITATIONS SHOULD OWNER OR RESPONSIBLE PARTY NOT CORRECT THE VIOLATION WITHIN THIRTY DAYS; AND
 - 6. APPEAL PROCEDURES.
- B. ANY NOTICE GIVEN FOR ANY PURPOSE UNDER THIS CHAPTER SHALL BE DEEMED EFFECTIVE ON THE DATE WHEN WRITTEN NOTICE IS HAND-DELIVERED, MAILED CERTIFIED AND/OR MAILED REGULAR, ADDRESSED TO THE PROPERTY OWNER, OWNER'S AGENT, OR RESPONSIBLE PARTY. IF PERSONAL SERVICE OR MAILED SERVICE IS NOT PRACTICABLE, SERVICE OF NOTICE SHALL ALSO BE DEEMED EFFECTIVE UPON NOTIFICATION THROUGH ONE-TIME PUBLIC NOTICE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND BY POSTING THE PROPERTY FOR A PERIOD OF 30 DAYS. NOTHING HEREIN SHALL PRECLUDE THE CITY FROM GIVING ADDITIONAL VERBAL OR WRITTEN NOTICE AT ITS DISCRETION. IF THE CITY DOES ELECT TO GIVE ANY ADDITIONAL NOTICE IN ANY INSTANCE, IT SHALL NOT THEREBY BECOME OBLIGATED TO GIVE SUCH ADDITIONAL NOTICE THEREAFTER IN THE SAME OR OTHER SITUATIONS.
- C. NOTHING IN THIS SECTION SHALL REQUIRE THE ISSUANCE OF A NOTICE OF VIOLATION PRIOR TO THE COMMENCEMENT OF CIVIL OR CRIMINAL VIOLATION PROCEEDINGS.

17.05.070 REMEDIATION MEASURES – AUTHORITY TO ENFORCE

- A. THE VPSO, CODE ENFORCEMENT OFFICER OR DESIGNEE SHALL ENFORCE THE PROVISIONS OF THIS ORDINANCE. IN ADDITION, THE CHIEF ADMINISTRATOR OR DESIGNEE IS AUTHORIZED TO MAKE SAFE ANY STRUCTURE, IN WHOLE OR PART, WHICH IN THE OPINION OF THE CHIEF ADMINISTRATOR OR DESIGNEE, IS AN IMMINENT THREAT TO THE HEALTH OR SAFETY OF ANY PERSON OR PERSONS DUE TO THE CONDITIONS OF SUCH STRUCTURE.
- B. NO PERSON SHALL, BY THREAT OR USE OF VIOLENCE OR PHYSICAL FORCE, OR BY THREATENING TO DO OR DOING ANY OTHER ACT THAT CAN BE REASONABLY

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ANTICIPATED TO CAUSE PHYSICAL HARM TO ANY PERSON INCLUDING THE PERPETRATOR, INTENTIONALLY OBSTRUCT, IMPEDE, OR INTERFERE WITH ANY OFFICER, EMPLOYEE, CONTRACTOR OR AUTHORIZED REPRESENTATIVE OF THE CITY WHO IS LAWFULLY AND CONSTITUTIONALLY ENGAGED IN THE ENFORCEMENT OR EXECUTION OF THE PROVISIONS OF THIS CHAPTER.

- C. THE CODE ENFORCEMENT OFFICER, CITY PLANNING OFFICIAL OR DESIGNEE IS AUTHORIZED TO MAKE REASONABLE AND NECESSARY RULES AND REGULATIONS TO CARRY OUT PROVISIONS OF THE ORDINANCE. ALL SUCH RULES AND REGULATIONS SHALL BE APPROVED BY THE CITY COUNCIL AFTER A PUBLIC HEARING.

17.05.080 RECORDING A NOTICE OF VIOLATION.

- A. THE VPSO, CODE ENFORCEMENT OFFICER OR DESIGNEE, SHALL RECORD THE NOTICE OF VIOLATION WITH THE OFFICE OF THE CITY CLERK. THE CITY CLERK SHALL KEEP RECORD THE NOTICE OF VIOLATION. NOTICE OF VIOLATION SHALL RUN WITH THE LAND AND SHALL CONSTITUTE NOTICE, FOR ALL PURPOSES OF THIS ORDINANCE, TO ALL PERSONS OR ENTITIES THEREAFTER ACQUIRING AN INTEREST IN THE PROPERTY. WHEN THE PROPERTY IS BROUGHT INTO COMPLIANCE, IF A NOTICE OF VIOLATION WAS RECORDED, A SATISFACTION OF NOTICE OF VIOLATION SHALL BE RECORDED.

17.05.090 ENFORCEMENT INDEPENDENT OF OTHER OFFICIALS.

THE AUTHORITY OF THE CITY TO ENFORCE THE PROVISIONS OF THIS CHAPTER IS INDEPENDENT OF AND IN ADDITION TO THE AUTHORITY OF OTHER CITY OFFICIALS TO ENFORCE THE PROVISIONS OF ANY OTHER CHAPTER OF THE CITY CODE.

17.05.100 VIOLATIONS AND PENALTIES.

- A. ANY PERSON VIOLATING ANY PROVISION OF THIS CHAPTER IS GUILTY OF AN INFRACTION AND SHALL BE PUNISHED BY THE FINE ESTABLISHED IN THE FINE SCHEDULE IN 1.16.035 IF THE OFFENSE IS LISTED IN THAT FINE SCHEDULE OR BY A FINE OF UP TO \$1,000 IF THE OFFENSE IS NOT LISTED IN 1.16.035.
- B. EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE AN ADDITIONAL VIOLATION FOR PURPOSES OF ASSESSING FINES. AN ACTION TO ENJOIN A VIOLATION OF THIS CHAPTER MAY BE BROUGHT NOTWITHSTANDING THE AVAILABILITY OF ANY OTHER REMEDY. UPON

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APPLICATION FOR INJUNCTIVE RELIEF AND THE FINDING OF AN EXISTING VIOLATION, THE COURT SHALL GRANT INJUNCTIVE RELIEF TO RESTRAIN THE VIOLATION AND ATTORNEY FEES AS PROVIDED BY LAW.

- C. THE OWNER OF RECORD, AS RECORDED IN ALASKA RECORDER'S OFFICE RECORDS, OF THE PROPERTY UPON WHICH A VIOLATION OF THIS ORDINANCE EXISTS MAY BE PRESUMED TO BE A PERSON HAVING LAWFUL CONTROL OVER ANY BUILDING, STRUCTURE OR PARCEL OF LAND. IF MORE THAN ONE PERSON SHALL BE RECORDED AS THE OWNER OF THE PROPERTY, SAID PERSONS MAY BE JOINTLY AND SEVERALLY PRESUMED TO BE PERSONS HAVING LAWFUL CONTROL OVER THE BUILDING, STRUCTURE OR PARCEL OF LAND. THIS PRESUMPTION SHALL NOT PREVENT ENFORCEMENT OF THE PROVISIONS OF THIS ORDINANCE AGAINST ANY PERSON SPECIFIED IN SUBSECTION C OF THIS SECTION.

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